

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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IN RE: GENERIC PHARMACEUTICALS  
PRICING ANTITRUST LITIGATION

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MDL 2724  
16-MD-2724  
HON. CYNTHIA M. RUFE

THIS DOCUMENT RELATES TO:

Civil Action Nos.

*The Kroger Co., et al. v. Actavis  
Holdco U.S., Inc.*

18-284  
18-3299

*Humana Inc. v. Actavis Elizabeth,  
LLC et al.*

ORAL ARGUMENT REQUESTED

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**TELIGENT’S INDIVIDUAL MOTION TO DISMISS THE  
KROGER AND HUMANA COMPLAINTS AGAINST TELIGENT, INC.**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), and for the reasons set forth in the accompanying Memorandum of Law, Defendant Teligent, Inc. (“Teligent”), by and through undersigned counsel, respectfully moves this honorable Court to dismiss the Kroger and the Humana Actions with prejudice as they pertain to Teligent:

1. With respect to Plaintiff Humana, Inc.’s Amended Complaint [No. 18-3299, Dkt. 30], Teligent hereby moves to dismiss Counts LI-LV and CVI-CX as to Teligent;
2. With respect to Plaintiffs The Kroger Co., Albertsons Companies LLC, and H.E. Butt Grocery Company L.P.’s (“Kroger Plaintiffs”) Complaint [No. 18-284, Dkt. 37], Teligent hereby moves to dismiss Count One and Count Thirteen as to Teligent;

Pursuant to Rule 7.1(f) of the Local Rules of Civil Procedure, Teligent requests oral argument on its Motion to Dismiss.

Dated: February 21, 2019

/s/ Heather K. McDevitt

Heather K. McDevitt

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*Teligent, Inc.*

**CERTIFICATE OF SERVICE**

I, Heather K. McDevitt, hereby certify that on February 21, 2019, the foregoing was electronically filed with the Clerk of the Court using CM/ECF, which will send notification to the registered attorney(s) of record that the document has been filed and is available for viewing and downloading.

/s/ Heather K. McDevitt  
Heather K. McDevitt